

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-1212

MICHAEL A. SCOTT; TERRY A. SCOTT,

Plaintiffs - Appellants,

versus

WELLS FARGO HOME MORTGAGE, INCORPORATED; GE
MORTGAGE SERVICES, LLC; SAMUEL I. WHITE, P.C.;
SAMUEL I. WHITE; CAROLYN B. LEEN; MEL
MARTINEZ, Secretary of U. S. Department of
Housing and Urban Development,

Defendants - Appellees,

and

SPECIALIZED, INCORPORATED OF VIRGINIA,

Defendant.

Appeal from the United States District Court for the Eastern
District of Virginia, at Norfolk. Raymond A. Jackson, District
Judge. (CA-03-786-2)

Submitted: June 17, 2005

Decided: July 29, 2005

Before NIEMEYER, LUTTIG, and MICHAEL, Circuit Judges.

Affirmed in part, vacated and remanded in part by unpublished per
curiam opinion.

Michael A. Scott, Terry Scott, Appellants Pro Se. Stanley Graves Barr, Jr., R. Johan Conrod, Jr., KAUFMAN & CANOLES, Norfolk, Virginia; Virginia Lynn Van Valkenburg, Assistant United States Attorney, Norfolk, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Michael and Terry Scott appeal the district court's order granting summary judgment to the Defendants and dismissing their complaint. We have reviewed the record and the district court's orders and affirm in part on the reasoning of the district court. See Scott v. Wells Fargo, No. CA-03-786-2 (E.D. Va. Dec. 15, 2004). We further affirm the district court's order denying the Scott's motion for reconsideration. In addition, we affirm the February 9, 2005, order awarding the Defendants attorneys' fees. With respect to the December 15, 2004, pre-filing injunction, while we sympathize with the district court having to handle the Scotts' overwhelming number of frivolous filings containing unsubstantiated arguments and raising issues disposed of in prior orders or cases, we note a court should give notice of a pre-filing injunction and opportunity for a response. Cromer v. Kraft Foods N. Am., Inc., 390 F.3d 812, 819 (4th Cir. 2004) (requiring court give litigant notice and opportunity to be heard before imposing prefiling injunction under 28 U.S.C. § 1651(c) (2000)).

Accordingly, we affirm all the orders issued by the district court in this case except the December 15, 2004, order imposing a pre-filing injunction. We vacate that order, and that order only, and remand for further proceedings consistent with this opinion. We dispense with oral argument because the facts and

legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED IN PART; VACATED
AND REMANDED IN PART